

No. 9/5/84-6Lab/9485.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act, No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Kundra Shoes Pvt. Limited, G.T. Road, Kundli (Sonapat).

BEFORE SHRI R. N. BATRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA
FARIDABAD

Reference No. 183/1984.

between

THE MANAGEMENT OF M/S KUNDRA SHOES PVT., LIMITED, G. T. ROAD, KUNDLI,
(SONEPAT) AND ITS WORKMEN

Present :—

None.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the management of M/s Kundra Shoes Pvt. Ltd., G.T. Road, Kundli (Sonapat) and its workmen to this Tribunal for adjudication :—

- (1) Whether the workmen are entitled to get the annual increment of Rs. 50 per year ? If so, with what details ?
- (2) Whether the workmen are entitled to get two pair of uniforms and two pair of shoes ? If so, with what details ?
- (3) Whether the workmen are entitled to get leave book, wage slip and identity cards ? If so, with what details ?
- (4) Whether the workmen are entitled to get 250 grams Gur per day ? If so, with what details ?
- (5) Whether the workmen are entitled to get four pieces of soap per month ? If so, with what details ?

2. Notices were issued to both the parties. It may be mentioned that none was present on behalf of the workmen even though they were represented previously and as such *ex parte* proceedings were ordered against them. The management had already been proceeded *ex parte*. It appears that both the parties are not interested in the reference. The award is passed accordingly.

Dated the 24th October, 1985

R. N. BATRA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endst. No. 821, dated 25th October, 1985.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

R. N. BATRA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 2nd December, 1985

No. 9/5/84-6Lab/9678.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s Micro Precision Products, 4 Link Road, Faridabad.

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 61 of 1983

between

SHRI DHARAM SINGH, WORKMAN AND THE RESPONDENT-MANAGEMENT OF M/S
MICRO PRECISION PRODUCTS, 4, LINK ROAD, FARIDABAD

Present :—

Shri S. S. Gupta for the workman.
Shri S. L. Gupta for the respondent-management.

AWARD

This industrial dispute between the workman Shri Dharam Singh and the respondent-management of M/s. Micro Precision Products, "4, Link Road, Faridabad has been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/15-83/5989-94, dated 16th February, 1983, under Section 10 (i) (c) of the Industrial Disputes Act, 1947 for adjudication. The terms of the reference are :—

Whether the termination of services of Shri Dharam Singh was justified and in order ? If not to what relief is he entitled ?

According to the demand notice, the claimant was appointed since May, 1975. He had previously served a demand notice on the basis of this reference was sent to the Industrial Tribunal, Haryana. The Industrial Tribunal, Haryana gave the award that the demand notice was pre-mature and allowed the claimant to raise the demand notice after completion of disciplinary proceedings. After that the claimant wrote a letter on 24th August, 1982 for taking the workman on duty but he was not allowed to join duty. Neither he was intimated about the outcome of the disciplinary proceedings. The management took plea that the services of the workman were not terminated and he has left the services of his own. The claimant has prayed for reinstatement with continuity of service and with full back wages. In the claim statement, it is alleged that on 1st July, 1978 the claimant was estopped from duty.

In the written statement, the management has contended that the award of the Industrial Tribunal, dated 2nd December, 1981 published in Haryana Government Gazette operated as *res judicata*. The claimant had served a demand notice on 22nd July, 1978 on the basis of this demand notice the reference was made to the Industrial Tribunal, Haryana, Faridabad. Hence it is stated that the award of the Industrial Tribunal operates as *res judicata*. It is further alleged that by sending the reference, the Government has not applied its mind. The demand notice, dated 27th September, 1982 has not been considered properly. It is alleged that according to the award, the workman absented from the duty and raised the pre-mature dispute. It is denied that the management stopped the workman from duty from 1st July, 1978. It is *inter-alia* stated that the workman along with his associates S/Shri Jag Dutt Sharma, Mahi Pal Sharma and Bhim Singh absented in their efforts to bring about a strike in the factory. In the meeting held before the Labour-cum-Conciliation Officer on 22nd July, 1978 the management offered the claimant to join duty but the workman refused to join duty unless they were paid back wages. During the pendency before the Industrial Tribunal he was again offered duty. The claimant after joining duty for 1½ days again left the duty. It is alleged that the management never terminated the services of the claimant. It is also admitted that the letter of the workman was replied on 3rd September, 1982.

The rejoinder has been filed denying the averments of the management, and asserting the averments in the claim statement. The reference was contested on the following issues :—

1. Whether the principles of *res judicata* apply in the case as objected by the respondent ?
2. Whether the reference is had as objected by the respondent in para No. 2-A and 2-B ?
3. As per reference ?

I have heard the representatives of both the parties and gone through the evidence on record. My findings on the issues are as under :—

Issue No. 1 to 3 :

All these issues are decided against the management in view of my findings of these issues in Reference No. 119/83 of Shri Mahi Pal Sharma, because the parties agree that common question of law and fact are involved in these references. I, therefore, give the award that services of the claimant were terminated illegally and un-lawfully. He is entitled to reinstatement with continuity of service and with full back wages.

Dated the 18th September, 1985.

R. N. SINGAL
Presiding Officer,
Labour Court, Faridabad.

Endstt. No. 3275, dated 29th October, 1985.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour & Employment Department, Chandigarh as required under Section 15 of the I. D. Act.

R. N. SINGAL
Presiding Officer,
Labour Court, Faridabad.